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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER

BLAU, STEPHEN LUTHER

ART UNIT

PAPER NUMBER

3711

DATE MAILED: 05/28/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/677,293

Applicant(s)

WILLIAMS, ERIK

Examiner

Stephen L. Blau

Art Unit

3711

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 October 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 10/3/03.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 1-18 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 4 recites a second gripping rib spaced radially inward from an outer gripping rib. The second gripping rib is spaced axially inward from an outer gripping. Claims 1 (lines 23-24) and 11 (line 3) are indefinite in that the statement "such as" is deemed indefinite. Claims 5-10 and 12-18 are reject for depending on a rejected base claim.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claim 1 is rejected under 35 U.S.C. 103(a) as being unpatentable over Reeder in view of Rush.

Reeder discloses a tubular attachment, having a lip, an inner sidewall, an inner endwall, and an outer sidewall, a tubular ball engaging portion, a generally cylindrical wall extending from an inner end wall, a ball receiving cavity, gripping fingers extending axially outward from an axial location spaced from an inner wall and defined by longitudinal edges forming slits therebetween, and fingers having lips at a common axial end location (Figs. 5-6).

Reeder lacks an attachment portion defining a grip receiving cavity, a circumferential outer edge, and an outer sidewall extending axially from an entrance lip to a circumferential outer edge, and a generally cylindrical wall extending from a circumferential outer edge. Rush discloses a ball retriever with an attachment portion defining a grip receiving cavity, a circumferential outer edge, and an outer sidewall extending axially from an entrance lip to a circumferential outer edge, and a generally cylindrical wall extending from a circumferential outer edge (Fig. 6) in order to fit an extractor attachment over an existing grip (Col. 4, Lns. 18-31). In view of the patent of Rush it would have been obvious to modify the ball retriever of Reeder to have an attachment portion defining a grip receiving cavity, a circumferential outer edge, and an outer sidewall extending axially from an entrance lip to a circumferential outer edge in order to place a ball retriever over an existing grip of a club.

5. Claims 2-3 are rejected under 35 U.S.C. 103(a) as being unpatentable over Reeder in view of Rush as applied to claim 1 above, and further in view of Wang.

Reeder lacks each finger comprising at least one gripping rib extending radially inward from an inner wall surface and extending axially parallel to a gripping finger lip, and an outer gripping rib being a radially inward extension of a gripping finger lip. Wang discloses each finger comprising at least one gripping rib extending radially inward from an inner wall surface and extending axially parallel to a gripping finger lip, and an outer gripping rib being a radially inward extension of a gripping finger lip (Figs. 3,6) to hook a ball (Col. 4, Lns. 1-11). In view of the references of Wang it would have been obvious to modify the fingers of Reeder to have each finger comprising at least one gripping rib extending radially inward from an inner wall surface and extending axially parallel to a gripping finger lip, and an outer gripping rib being a radially inward extension of a gripping finger lip in order to hook the ball and maintain it in the ball receiving cavity.

6. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Reeder in view of Rush, and Wang as applied to claim 2-3 above, and further in view of Chun-Sheng.

Reeder lacks a second gripping rib spaced radially inward from an outer gripping rib. Chun-Sheng discloses an internal gripping rib in order to provide a flexible gripping force (0023). In view of the reference of Chun-Sheng it would have been obvious to have a second gripping rib spaced radially inward from an outer gripping rib in order to provide a flexible gripping force and in order to ensure the ball is frictionally held in the cavity.

7. Claims 5-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Reeder in view of Rush, Wang, and Chun-Sheng as applied to claim 4 above, and further in view of Rogers and Pugh.

Reeder discloses lips forming a segmented circle (Fig. 9) and circular gripping finger edge joints from which corresponding slits longitudinally outwardly extend (Fig. 2).

Reeder lacks gripping fingers each forming a truncated triangle, fingers defining triangular slits extending from a point axially spaced outward from a circumferential outer edge to a gripping finger lip, and four fingers.

Rogers discloses a ball retriever with gripping fingers each forming a truncated triangle (Figs. 1-3) and triangular slits (Fig. 4). Pugh discloses triangular fingers (Fingers 1-7) and fingers defining triangular slits extending from a point axially spaced outward from an inner wall (Figs. 5-6). In view of the patents of Rogers and Pugh it would have been obvious to have gripping fingers each forming a truncated triangle and fingers defining triangular slits extending from a point axially spaced outward from a circumferential outer edge to a gripping finger lip in order to use less material for the fingers in forming a ball lifter. As such there will be circular gripping finger edge joints from which corresponding said triangular slits longitudinally outwardly extend.

Wang discloses four fingers (Fig. 3). In view of the patent of Wang it would have been obvious to modify the ball lifter of Reeder to have four fingers in order to utilize a known number of fingers used in the market place and in order to save material.

Allowable Subject Matter

8. Claims 9-18 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, second paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims. None of the prior art discloses or renders as obvious ball engaging portion tapering axially inward from a circumferential outer edge to a gripping finger lips in addition to the other elements of structure claimed.

Conclusion

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Steve Blau whose telephone number is (703) 308-2712. The examiner is available Monday through Friday from 8 a.m. to 4:30 p.m.. If the examiner is unavailable you can contact his supervisor Greg Vidovich whose telephone number is (703) 308-1513. Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 308-0858. (TC 3700 Official Fax 703-872-9306)

slb/ 25 May 2004


STEPHEN BLAU
PRIMARY EXAMINER